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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _03 December 2008_.
2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-10,12-17 and 19-26_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-10,12-17 and 19-26_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _12 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *  c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

## DETAILED ACTION

1.      Request for Continued Examination has been received on December 3, 2008.

Claims 1, 12 and 19 have been amended. Claims 1-10, 12-17 and 19-26 are currently

pending and have been considered below.

### *Claim Rejections - 35 USC § 112*

2.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.      Claims 12-26 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

4.      In claim 12, the preamble makes reference to both a system and a method and it

is unclear to the Examiner what statutory category is being claimed.

5.      Claims 13-17, are rejected on the same rationale as claim 12 due to their

dependency on claim 12.

6.      In claim 19, the preamble makes reference to both a system and a method and it

is unclear to the Examiner what statutory category is being claimed.

7.      Claims 20-26, are rejected on the same rationale as claim 19 due to their

dependency on claim 19.

### *Claim Rejections - 35 USC § 101*

8.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 1-10, 12-17 and 19-26 are rejected under 35 U.S.C. 101 because based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiner is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing.  Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps.  Thus, to qualify as a § 101 statutory process, the claim should recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps, fail the first prong of the new Federal Circuit decision since they are not sufficiently tied to another statutory class and can be performed without the use of a particular apparatus.

9.      Claims 12-17 and 19-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.  35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, *or* composition of matter *or* any new and useful improvement thereof" (emphasis added). Applicant's claims mentioned above are intended to embrace or overlap *two* different statutory classes of invention as set forth in 35 USC 101. The

claim begin by system (ex. Preamble of claim 12 and 19), however, the limitations

identify the structure by method steps, for example, presenting a website…. (see above

rejection of claims under 35 USC 112, second paragraph, for specific details regarding

this issue). "A claim of this type is precluded by the express language of 35 USC 101

which is drafted so as to set forth the statutory classes of invention in the alternative

only", Ex parte Lyell (17 USPQ2d 1548).

### *Claim Rejections - 35 USC § 103*

10.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.    **Claims 1-3, 5-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over Robert's classes: http://spiritualresponse.com/RDclasses.htm**

**(Oct. 18, 2000) hereafter RDclasses, in view of RHPS currently playing Midnight**

**Shows: <www.rockyhorror.com/midnt.html> (Dec. 1, 2000) hereafter RHPS,**

**further in view of Business Wire: "AOL's Digital City and inshop.com Announce**

**Comprehensive Content Agreement" (Dec. 1, 1999) hereafter Business wire.**

   **As per claim 1**, RDclasses discloses receiving a request from the one or more

users to participate in an event at a particular location, wherein the event is associated

with a profit threshold (Page 2, paragraph on cancellation policy; discloses that if there

is not enough people the event will be cancelled, from this it is shown that the number of

people corresponds with the profit of the event and if the event is deemed unprofitable then it will be cancelled);

receiving a commitment to purchase a ticket to the event from one or more users, wherein the commitment includes authorization for a transaction for the one or more users to pay for the event if the profit threshold is satisfied (Page 1, paragraph on how to register; discloses that to register for the event the user must give authorization to be charged the deposit fee which can be done with credit card or other forms of payment);

determining whether the profit threshold for the event is satisfied (Page 2, paragraph on cancellation policy; discloses that if there is not enough people registered for the event then the event will be cancelled, from this it is shown that the threshold is associated to the number of people who register for the event and the potential revenue from the event);

sending notification to the one or more users when the profit threshold is satisfied indicating that the event will be held at a particular time (Page 1, paragraph on basic SRT classes; discloses that the event unless cancelled the event will be held at particular location at a particular time and the users are notified via the website); and

receiving payment using the authorization included in the commitment for the event from the one or more users after the profit threshold is satisfied (Page 2, paragraph on cancellation policy; discloses that on the night of the event the payment will be made in full and this would only be done if the event is to be held and the threshold of the minimum amount of people is met, where the amount of people corresponds to a set profit).

RDclasses fails to disclose where the event is a movie or where the location is a particular theater. RDclasses further fails to disclose presenting one or more users with at least one search option for selecting a movie based on location, and where the notification is sent to the user indicating a particular location.

RHPS, which talks about an older movie "The Rocky Horror Picture Show" that was first released in 1975 being re-shown by the request of fans, teaches where the event is a movie, and the location is a particular theater (Pages 1-14; teaches that the event in this case a movie is held in various states and various theaters depending on the person location and preference, from this the event is determined by the user which event they wish to go to so for example if someone lived in Connecticut they are able to go to the York Square Cinema  on either Friday or Saturday at 11:30). RHPS further teaches that events can be cancelled and added (Page 1, Note; teaches that the events can be cancelled and new additions can be added and this site will reflect the changes).

RHPS, further teaches presenting one or more users with at least one search option for selecting a movie based on location (Pages 1-14; teach that the website is used as a search option to find a particular movie in this case the Rocky Horror picture show, at a particular location based on location. This reference shows various states and even international venues where the movie can be seen, the user can select the location by searching the website for a location nearest to them).

Therefore from this teaching of RHPS, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding of an event and the cancellation policy provided by RDclasses, with the event being a movie

as taught by RHPS, for the purposes of running a movie with the same structure as other events that have been run. That being said since movies can be cancelled and a profit must be made to ensure that it is a successful business it would have been obvious to one of ordinary skill in event organizing that any event, movie or otherwise must have a proper registration and cancellation policy to ensure that the event remains profitable and runs smoothly. If no one shows up and the movie is still shown there is a considerable loss of revenue to the event organizer as, on the other side if the organizer did not have cancellation policy there would be no structure in place if for some reason the event had to be cancelled.

Business wire, which talks about shopping sites, teaches sending notification to one or more users indicating that an event is going to take place at a particular location at a particular time (Abstract; teaches that email alerts can be sent out to inform customers about retail sales and promotional events happening at specific locations).

Therefore from this teaching of Business wire, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding of a movie event and the cancellation policy provided by the combination of RDclasses and RHPS, the sending of email alerts as shown by Business wire, for the purposes of keeping the customers or users informed of any and all changes regarding an event. By doing this the user is ensured the most up to date information and won't have to rely going on to a website to stay informed.

**As per claim 2,** the combination of RDclasses, RHPS and Business wire teaches the above-enclosed invention, RHPS further teaches wherein receiving a

request from one or more users to view a movie in at a particular theater at a particular location further comprises:

logging the one or more users into a website (Page 1; teaches a website in which the user visits in order to search for the movie, where logging the user into a website is construed to be merely visiting a site since on Page 10 of the applicants specification makes no mentions of a users name or password and states that it can be a link from another site);

searching for the movie (Page 1; teaches the user then search for a movie they are looking for in this case it is "The Rocky Horror Picture Show", the search could be for theaters in their location, this website breaking them down by states); and

identifying a location for each of the one or more users, the location of the one or more users used to select the particular theater (Page 1-14; teaches that depending on where the user is located they can attend various showings of this movie at particular theaters).

**As per claim 3**, the combination of RDclasses, RHPS and Business wire teaches the above-enclosed invention, RDclasses further discloses wherein receiving a commitment to purchase a ticket to the event further comprises receiving payment from the one or more users (Page 2, paragraph on how to register; discloses that when registering for an event a deposit is required as part of receiving a commitment to attend the event);

**As per claim 5**, the combination of RDclasses, RHPS and Business wire teaches the above-enclosed invention, RDclasses further discloses wherein determining whether a profit threshold for the movie is satisfied further comprises at least one of:

determining if the profit threshold for the movie is satisfied based on the commitment of the one or more users (Page 2, paragraph on cancellation policy; disclose that if there isn't enough people registered the event will be cancelled, for this the commitment is there registering for the event which requires a deposit); and

determining if an attendance threshold for the movie is satisfied based on the commitment of the one or more users (Page 2, paragraph on cancellation policy; disclose that if there isn't enough people registered the event will be cancelled, for this the commitment is there registering for the event which requires a deposit).

**As per claim 6**, the combination of RDclasses, RHPS and Business wire teaches the above-enclosed invention, RHPS further teaches wherein notifying the one or more users when the profit threshold is satisfied further comprises identifying the location of the theater to the one or more users where the movie will be shown, wherein the location includes a place, a time, and a date (Page 1, Under Connecticut; teaches that's the locations is York Square Cinema 1-2 – New Haven, CT, the date and time is every Friday and Saturday at 11:30).

**As per claim 7**, the combination of RDclasses, RHPS and Business wire teaches the above-enclosed invention, RDclasses further discloses wherein determining whether the profit threshold for the movie is satisfied further comprises monitoring the threshold as additional requests are received (Page 2, paragraph on cancellation policy;

discloses that if there are fewer then a certain number of people by a set time the event

will be cancelled, from this it is shown that they are monitoring the profit threshold

during the registration period to determine if the event will be profitable and should be

held).

As per claim 9, the combination of RDclasses, RHPS and Business wire

teaches the above-enclosed invention, RHPS further teaches wherein the movie is one

of:

a movie that was previously released in theaters;

a movie that was never released in theaters;

a historical documentary;

a movie that is in a production or planning stage; and

a visual/audio performance (Page 1; teaches that the movie being shown is "the

Rocky Horror Picture Show" which was previously released in 1975).

As per claim 10, the combination of RDclasses, RHPS and Business wire

teaches the above-enclosed invention, RHPS further teaches wherein notifying the one

or more users when the profit threshold is satisfied further comprises showing the movie

at a location of the one or more users, wherein the location is associated with the one or

more users and with the movie (Page 1; teaches that the movie is being shown Friday

and Saturday nights).

12.     **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

**RDclasses, in view of RHPS, further in view of Business wire as applied to claim 3**

**above, and further in view of O'Brien: "Shortage of ticket sales pulls plug on bethel" (8/8/1994).**

**As per claim 4**, the combination of RDclasses, RHPS and Business wire teaches the above-enclosed invention, but fails to teach wherein receiving payment from the one or more users further comprises refunding payment to the one or more users if the threshold is not satisfied or if the threshold is not satisfied in a particular time period.

O'Brien teaches wherein receiving payment from the one or more users further comprises refunding payment to the one or more users if the threshold is not satisfied or if the threshold is not satisfied in a particular time period (Abstract; via refund for ticket buyers because of the cancellation of the show due to severe shortage of ticket sales).

From this teaching of O'Brien, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of organizing a showing of a movies in theater provided by the combination of RDclasses, RHPS and Business wire, with the idea that if they threshold is not met the show would be canceled and the people who already bought tickets would receive a refund taught in O'Brien for the purposes of continuing a good customer relationship, and also not potentially losing money on an event that would have a poor customer turn out.

13.    **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over RDclasses, in view of RHPS, further in view of Business wire as applied to claim 1 above, and further in view of McKenna: Louisiana State Univ. looking at funding stadium with PSLs (11/23/1998) hereafter McKenna.**

**As per claim 8**, the combination of RDclasses, RHPS and Business wire

teaches the above-enclosed invention, but fails to disclose that notifying the one or

more users that the threshold can be satisfied if at least one of the one or more users

pays a premium for the movie.

McKenna teaches notifying the one or more users that the threshold can be

satisfied if at least one of the one or more users pays a premium for the movie (Page 2

paragraph 8; via members pay staggered premiums for the right to repurchase tickets

they pay these premiums in order to continue with the events at the stadium).

From this teaching of McKenna, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the idea of

organizing a showing of a movies in theater provided by the combination of RDclasses,

RHPS and Business wire, with the concept of paying premiums for the purpose of

getting events held taught in McKenna for the purpose of making an event more

profitable, if the event wasn't going to generate enough money it might be cancelled in

this case even if they didn't have enough attendance the premiums would offset the

losses from attendance.

14.     **Claims 12, 14-16, 19-22 and 24-26 are rejected under 35 U.S.C. 103(a) as**

**being unpatentable over RDclasses, in view of Netflix: Easy DVD Movie Rentals at**

**NetFlix.com (January 17, 1999) hereafter Netflix, further in view of RHPS, further**

**in view of Business wire**.

**As per claim 12**, RDclasses discloses a system for receiving input from one or

more users, wherein the input represents an event that the one or more users desire to

attend (Page 1 and 2, paragraph on how to register; discloses that the system collects

information from users who wish to attend an event, this information is collected through

the use of event registration).

RDclasses further discloses maintaining interest level data in response to the

input from one or more users, wherein the interest level data represents a commitments

of the one or more users to attend an event, wherein the commitment of each of the one

or more users includes an authorization for a transaction to collect payment (Page 2,

paragraph on cancellation policy; discloses that there is a minimum number of people

who must register for an event for the event to take place and that this information is

tracked or maintained to ensure that the event has enough people, through the

registration the users are committing to attend the event as well as put a deposit down

as part of registration this is done through the authorization to bill the user through their

credit card).

RDclasses further discloses comparing the interest level data against a profit

threshold (Page 2, paragraph on cancellation policy; discloses that unless a set number

of people is attained the event will be canceled this is due to lack of profit, from this it is

shown that if an event has inadequate registration the event will be canceled since it will

be deemed unprofitable);

RDclasses further discloses holding the event when the interest level data

surpasses the profit threshold (Page 2, paragraph on cancellation policy; discloses that

if the threshold is met for required registration the event will be held);

RDclasses further discloses receiving payment from the one or more users using the authorizations included with the commitments from the one or more users (Page 2, paragraph on cancellation policy; discloses that the registration is to be paid in full by the event).

RDclasses fails to fully disclose where the input is received through the use of a website or that the interest level is maintained at a website. RDclasses further fails to disclose presenting a website having at least one movie selection option based on location, and sending notification to the one or more users indicating that the movie will be shown in the particular theater and releasing the movie for viewing in the particular theater.

Netflix, which talks about an online website to collect information and display interest level in a particular movie, teaches that input can be received through the use of a website and the interest level can be maintained via the same website (Page 4, paragraph on Adding DVDs to your Marquee Queue; teaches that a user can log into a website and submit information of movies they would like to see, through the use of the Marquee Queue the site can then maintain this information to ensure that the user is still interested in the selected DVDs prior to shipping them out all of this is done through a internet website interface).

Therefore from this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding of an event and the cancellation policy provided by RDclasses, including a website where users can input information regarding an event and monitor the interest in that event

taught by Netflix, for the purpose of allowing the user better access to the information as well as a more simplistic means of tracking interest in attending events. Through the use of a website the event management system would have increased flexibility and a means of notifying users what is available to them as well as what other users are interested in.

The combination of RDclasses and Netflix fail to fully disclose wherein the event is a movie to be shown in a theater, wherein the movie is a movie that has been previously shown and it s not currently scheduled to be shown in the theater again. The combination of RDclasses and Netflix further fails to disclose presenting a website having at least one movie selection option based on location, and sending notification to the one or more users indicating that the movie will be shown in the particular theater and releasing the movie for viewing in the particular theater.

RHPS, which talks about a website dedicated to users interested in viewing the movie "The Rocky Horror Picture Show", teaches where the event is a movie that has been shown previously in a theater and is not currently scheduled to be shown in the theater again (Page 1; discloses that the movie being shown is "The Rocky Horror Picture Show" which was originally shown in 1975 in a theater and is not currently in mainstream circulation at any theater).

RHPS, further teaches presenting a website having at least one movie selection option based on location (Pages 1-14; teach that the website is used as a search option to find a particular movie in this case the Rocky Horror picture show, at a particular location based on location. This reference shows various states and even international

venues where the movie can be seen, the user can select the location by searching the website for a location nearest to them).

RHPS further teaches releasing the movie for viewing in the particular theater (Page 1; teaches that the movie is being shown Friday and Saturday nights).

Therefore from this teaching of RHPS, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding of an event and the cancellation policy implemented through the use of a website provided by the combination of RDclasses and Netflix, with the event being a movie as taught by RHPS, for the purposes of running a movie with the same structure as other events that have been run. That being said since movies can be cancelled and a profit must be made to ensure that it is a successful business it would have been obvious to one of ordinary skill in event organizing that any event, movie or otherwise must have a proper registration and cancellation policy to ensure that the event remains profitable and runs smoothly. If no one shows up and the movie is still shown there is a considerable loss of revenue to the event organizer as, on the other side if the organizer did not have cancellation policy there would be no structure in place if for some reason the event had to be cancelled.

Business wire, which talks about shopping sites, teaches sending notification to one or more users indicating that an event is going to take place at a particular location at a particular time (Abstract; teaches that email alerts can be sent out to inform customers about retail sales and promotional events happening at specific locations).

Therefore from this teaching of Business wire, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding of a movie event and the cancellation policy provided by the combination of RDclasses, Netflix, and RHPS, the sending of email alerts as shown by Business wire, for the purposes of keeping the customers or users informed of any and all changes regarding an event. By doing this the user is ensured the most up to date information and won't have to rely going on to a website to stay informed.

**As per claim 14**, the combination of RDclasses, Netflix, RHPS and Business wire teaches the above-enclosed invention, Netflix further teaches displaying the interest level data on the website (Page 4, paragraph on Adding DVDs to your Marquee Queue; teaches that the users interests in DVD rentals will be displayed in the Marquee Queue which can be displayed to the user and updated by the user).

**As per claim 15**, the combination of RDclasses, Netflix, RHPS and Business wire teaches the above-enclosed invention, RDclasses further discloses comprising committing some of the one or more users to attend the event, the commitment further comprising payment prior to the profit threshold being satisfied for at least one user (Page 1, paragraph on how to register; discloses in order to register for the even the user must put a deposit or a partial payment down prior to the threshold being satisfied).

**As per claim 16**, the combination of RDclasses, Netflix, RHPS and Business wire teaches the above-enclosed invention, Netflix further teaches receiving a commitment from some of the one or more users, wherein the commitment is not collected until the interest level data has surpassed the pre-determined threshold (Main

Login Page; via the Rent it tag, through this tag the commitment of the user is acquired and this interest level is enough to surpass the pre-determined threshold of one person then the amount of the commitment is collected).

**As per claim 19**, RDclasses discloses determining a commitment of one or more users to attend an event, wherein the commitment increases each time a new user commits to attend the event and wherein the commitment includes authorization for a transaction to pay to attend the event (Page 2, paragraph on cancellation policy; discloses that until the threshold is met the event will not take place and the number increases as each user registers for the event, this number of registered users increases until it exceeds the threshold and the event is held, Page 1, paragraph on registration policy; discloses that each user has to allow authorization to be charged the deposit amount via a credit card or some other means of payment);

RDclasses further discloses receiving the commitment (Page 1, paragraph on how to register; discloses that each person gives their commitment to attend the event by registering for the event and being charged the deposit fee for attending the event);

RDclasses further discloses when the commitment passes the profit threshold, notifying the one or more users that have committed to attended the event that the profit threshold has been satisfied and that the event will be held (Page 1, basic SRT classes; discloses a specific event that will be held at a specific time in a specific place, from this it shown that the users are notified from the website when the threshold has been met and a specific event will be held in this case when they have 10 or more people registered to attend the event); and

RDclasses further discloses holding the event that the users have committed to attend (Page 1, basic SRT classes; discloses a specific event that will be held at a specific time in a specific place, from this it shows the event is being held).

RDclasses fails to disclose that the receiving the commitment will take place over a website or that the event is a movie that has been previously been shown in theaters.

Netflix, which talks about an online website to collect information and display interest level in a particular movie, teaches that the commitment is received over a website (Page 4, paragraph on Adding DVDs to your Marquee Queue; teaches that a user can log into a website and submit information of movies they would like to see, through the use of the Marquee Queue the site can then maintain this information to ensure that the user is still interested in the selected DVDs prior to shipping them out all of this is done through a internet website interface).

Therefore from this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding of an event and the cancellation policy provided by RDclasses, including a website where users can input information regarding an event and monitor the interest in that event taught by Netflix, for the purpose of allowing the user better access to the information as well as a more simplistic means of tracking interest in attending events. Through the use of a website the event management system would have increased flexibility and a means of notifying users what is available to them as well as what other users are interested in.

The combination of RDclasses and Netflix fail to fully disclose wherein the event is a movie to be shown in a theater, wherein the movie is a movie that has been previously shown and it s not currently scheduled to be shown in the theater again.

RHPS, which talks about a website dedicated to users interested in viewing the movie "The Rocky Horror Picture Show", teaches where the event is a movie that has been shown previously in a theater and is not currently scheduled to be shown in the theater again (Page 1; discloses that the movie being shown is "The Rocky Horror Picture Show" which was originally shown in 1975 in a theater and is not currently in mainstream circulation at any theater).

Therefore from this teaching of RHPS, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding of an event and the cancellation policy implemented through the use of a website provided by the combination of RDclasses and Netflix, with the event being a movie as taught by RHPS, for the purposes of running a movie with the same structure as other events that have been run. That being said since movies can be cancelled and a profit must be made to ensure that it is a successful business it would have been obvious to one of ordinary skill in event organizing that any event, movie or otherwise must have a proper registration and cancellation policy to ensure that the event remains profitable and runs smoothly. If no one shows up and the movie is still shown there is a considerable loss of revenue to the event organizer as, on the other side if the organizer did not have cancellation policy there would be no structure in place if for some reason the event had to be cancelled.

The combination of RDclasses, Netflix and RHPS fails to show where the notification is sent to the users.

Business wire, which talks about shopping sites, teaches sending notification to one or more users indicating that an event is going to take place at a particular location at a particular time (Abstract; teaches that email alerts can be sent out to inform customers about retail sales and promotional events happening at specific locations).

Therefore from this teaching of Business wire, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding of a movie event and the cancellation policy provided by the combination of RDclasses, Netflix and RHPS, the sending of email alerts as shown by Business wire, for the purposes of keeping the customers or users informed of any and all changes regarding an event. By doing this the user is ensured the most up to date information and won't have to rely going on to a website to stay informed.

**As per claim 20**, the combination of RDclasses, Netflix, RHPS and Business wire teaches the above-enclosed invention, RDclasses further discloses wherein determining the commitment of one or more users to view the movie in the particular theater further comprises:

receiving payment from some of the one or more users before the profit threshold is satisfied (Page 1, paragraph on how to register; discloses that while registering for an event the users are expected to pay a deposit fee which occurs before the threshold is met); and

receiving payment from some of the one or more users after the profit threshold

has been satisfied (Page 2, paragraph on cancellation policy; discloses that payment in

full is expect after the threshold is met).

**As per claim 21**, the combination of RDclasses, Netflix, RHPS and Business

wire teaches the above-enclosed invention, RDclasses further discloses wherein

receiving payment from some of the one or more users after the profit threshold has

been satisfied further comprises receiving payment before notifying the one or more

users that the profit threshold has been satisfied (Page 1, paragraph on how to register;

discloses that upon registering for an event the user must pay a deposit, this payment is

made before they are notified that the class will indeed take place as seen on page 2,

paragraph on cancellation policy; which discloses that if the minimum amount of

registered users has not been met by a specific time the class will not be held).

**As per claim 22**, the combination of RDclasses, Netflix, RHPS and Business

wire teaches the above-enclosed invention, RHPS further teaches comprising notifying

other users that the movie will be shown in the particular theater (Page 1-14; teach that

depending on where the user is located there are different theaters in which the movie

will be shown and if the movie is to be shown it will be in a particular place which

consists of a particular theater as well as that it will be held at particular date and time,

the users are notified of the particular theater through this website).

**As per claim 24**, the combination of RDclasses, Netflix, RHPS and Business

wire teaches the above-enclosed invention, Netflix further teaches determining a

commitment of one or more users to view the movie in the particular theater further

comprises receiving a request from a particular user for the particular movie (Main Login

Page; via Returning Visitor Check In, the customer can login and request a movie and

then that movie is sent to them after they fee is collected).

**As per claim 25**, the combination of RDclasses, Netflix, RHPS and Business

wire teaches the above-enclosed invention, Netflix further teaches wherein determining

a commitment of one or more users to view the movie in the particular theater further

comprises searching for the particular movie (Main Login Page; via the FlixFinder which

allows customers to search by movie title for different movies they might want to see).

**As per claim 26**, the combination of RDclasses, Netflix, RHPS and Business

wire teaches the above-enclosed invention, RHPS further teaches comprising linking to

or from other website that provide information related to the particular movie (Page 3,

see arrow with link to Rochester Site; teaches that website which shows the different

theaters has links for more information on that particular movie see pages 15 and 16 for

the Rochester site which has more information on the theater as well as the movie

itself).

15.      **Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable**

**over RDclasses, in view of Netflix, further in view of RHPS, further in view of**

**Business wire, further in view of Ticketmaster: FAQs (11/9/2000) hereafter**

**Ticketmaster**.

**As per claim 13**, the combination of RDclasses, RHPS and Netflix teaches the

above-enclosed invention of claim 12, but fails to disclose receiving input further

comprises receiving input over a telephone system.

Ticketmaster teaches receiving input over a telephone system (FAQs, How do I purchase tickets offline; via worldwide Charge-by-Phone centers, allowing the customer to call a number for to place a ticket request).

From this teaching of Ticketmaster, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding of an movie event and the cancellation policy implemented through the use of a website provided by the combination of RDclasses, RHPS and Netflix to include the option of calling in a request taught by Ticketmaster for the purposes of reaching those customers who don't have access to the internet and still want to make a request.

**As per claim 17**, the combination of RDclasses, RHPS and Netflix teaches the above-enclosed invention of claim 12, but fails to disclose wherein the interest level data further comprises one or more indicators, wherein each indicator corresponds to a different location, further comprising displaying a particular indicator to a particular user, wherein a location associated with the particular indicator is also associated with a particular user.

Ticketmaster teaches that a particular user is identified with a particular location in terms of where the event is taking place (FAQs; via the boxes to fill in the even they wish to go to and the state they are in. FAQs, What is the easiest way to purchase tickets for an event in another state; via Sometimes a promoter or artist may determine a selling area for a particular event, so Ticketmaster must limit the calling area this limits the venues some particular customers would be able to attend. However, there is

always the Internet option for those customers in relation to where they are what event

they want to see).

From this teaching of Ticketmaster, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the holding of an

movie event and the cancellation policy implemented through the use of a website

provided by the combination of RDclasses, RHPS and Netflix to include a location

taught by Ticketmaster to aid customers in selecting a venue that is with in a desired

radius.

**16.     Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

**RDclasses, in view of Netflix, further in view of RHPS, further in view of Business**

**wire and further in view of McKenna.**

**As per claim 23**, the combination of RDclasses, Netflix, RHPS and Business

wire teaches the above-enclosed invention, but fail to disclose asking some of the one

or more users to pay a premium such that the threshold is satisfied with fewer users.

McKenna teaches asking some of the one or more users to pay a premium such

that the threshold is satisfied with fewer users (Page 2 paragraph 8; via members pay

staggered premiums for the right to repurchase tickets they pay these premiums in

order to continue with the events at the stadium).

From this teaching of McKenna, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the holding of an

movie event and the cancellation policy implemented through the use of a website

provided by the combination of RDclasses, RHPS and Netflix with the concept of paying

premiums for the purpose of getting events held taught in McKenna for the purpose of making an event more profitable, if the event wasn't going to generate enough money it might be cancelled in this case even if they didn't have enough attendance the premiums would offset the losses from attendance.

### Response to Arguments

17.     Applicant's arguments filed December 3, 2008 have been fully considered but they are not persuasive.

18.     In response to applicant's argument that, the Examiner has not established that any of the cited references teach or suggest the limitation "presenting one or more users with at least one search option for selecting a movie based on location", the Examiner respectfully disagrees. This is a newly added limitation and has been rejected above the RHPS reference shows a website where users can search for a movie based on location. This appears to be a similar limitation that was previously addressed in the rejection of claim 2.

19.     In response to the applicant's argument that, the Examiner has not established that any of the cited references teach or suggest the limitation of "presenting a website having at least one movie selection option based on location", the Examiner respectfully disagrees. This is a newly added limitation and has been rejected above the RHPS reference shows a website where users can search for a movie based on location. This appears to be a similar limitation that was previously addressed in the rejection of claim 2.

20.     In response to the applicant's argument that, the Examiner has not established that any of the cited references teach or suggest the limitation of "…sending notification to the one or more users…", the Examiner respectfully disagrees. This is a newly added limitation and has been rejected with the newly cited reference Business wire. Business wire shows that it would have been obvious to send customers or users updates regarding specific events. Business wire further shows it would have been obvious to send users information that would be posted on the website thus ensuring the customer has the most up to date information even if they haven't checked the website recently.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097.  The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571)272-6805.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


PRF

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